



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

☒ **Permanent Rule**
☐ **Emergency Rule**

Effective date of rule: April 1, 2006

Permanent Rules

☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: **Workers' Compensation Self Insurance Rules and Regulations, Chapter 296-15 WAC.** This chapter governs employers who are permitted to self insure their workers' compensation obligation pursuant to Title 51 RCW. This filing includes modifications in the following areas: certification requirements, including both financial requirements and claims administration structure requirements, vocational reporting requirements, including 90-day employability assessment reports and vocational rehabilitation outcome reporting, reporting requirements when initiating and terminating time loss, financial information reporting requirements, submissions of protests and reopening applications to the department, and time frames for payment of penalties.

Citation of existing rules affected by this order:

Repealed: See attachment
Amended: See attachment
Suspended: None

Statutory authority for adoption: RCW 51.04.020, RCW 51.14.020, RCW 51.32.190, RCW 51.14.090, and RCW 51.14.095

Other authority : None

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-23-146 on November 22, 2005.

Describe any changes other than editing from proposed to adopted version: Proposed language in WAC 296-15-021 (6)(b)(ii) ("*The department may require an unaltered copy of the agreement for clarification*") was removed in agreement with public comment that unaltered copy is unnecessary for the purposes of the WAC. Proposed language in WAC 296-15-350 (2)(b) ("*at all times*") was removed in agreement with public comment that department-approved claims administrators will have brief absences due to illness or vacation. In WAC 296-15-430 (5), the proposed reporting requirement of five days has been extended to fifteen days in agreement with public comment that five days does not reasonably allow for timely submittal.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Trista Zugel phone (360) 902-5122
Address: PO Box 44321 fax (360) 902-4249
Olympia, WA 98504-4321 e-mail zugy235@lni.wa.gov

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: February 28, 2006

NAME (TYPE OR PRINT)
Gary K. Weeks

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

WSR #06-06-066

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>12</u>	Amended	<u>8</u>	Repealed	<u>7</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>12</u>	Amended	<u>8</u>	Repealed	<u>7</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>12</u>	Amended	<u>8</u>	Repealed	<u>7</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Attachment

Citation of existing rules affected by this order:

Repealed:

- WAC 296-15-031 Employee stock ownership plan self insurance application.
- WAC 296-15-041 Joint venture self insurance application.
- WAC 296-15-051 Public entity self insurance application.
- WAC 296-15-061 Employer group self insurance application.
- WAC 296-15-120 Log of occupational injuries and illnesses.
- WAC 296-15-500 What vocational rehabilitation reports are required for self-insured employers?
- WAC 296-15-510 What is the process used for vocational rehabilitation with regard to self-insured employers?

Amended:

- WAC 296-15-001 Definitions.
- WAC 296-15-021 Individual firm self insurance application.
- WAC 296-15-140 Expense of out-of-state audit.
- WAC 296-15-181 Funding the benefits of an insolvent self insurer.
- WAC 296-15-420 After a self-insured claim is filed.
- WAC 296-15-450 Closure of self-insured claims.
- WAC 296-15-480 After a self-insured claim is closed.
- WAC 296-15-490 When a self-insured claim is on appeal.